

**INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
April 10, 2007**

THE INLAND WETLANDS AND WATERCOURSES COMMISSION of the Town of Trumbull held a Regular Meeting on Tuesday, April 10, 2007 in the Courtroom of the Trumbull Town Hall.

MEMBERS PRESENT: Richard Girouard, Chairman
Thomas O'Neill, Secretary
Arlyne Fox
John Lauria

ALSO PRESENT: Brian Smith Assistant Town Engineer, Town of Trumbull
Neil Lieberthal, Town of Trumbull Attorney

The following is a brief summary of the meeting. A recording was made on tape and is on file in the office of the Town Engineer, Town Hall, Trumbull, CT.

Mr. Girouard convened the meeting at 7:40 p.m.
Mr. O'Neill read the Public Hearing Notice.
Mr. Girouard opened the public hearing at 7:41 p.m.

Application #07-09	James Fracker Const. LLC	Create 5 building lots & 1 open Space. Lot #2 Booth Hill Road.
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Attorney Richard Burtola of Berchem, Moses & Devlin of 75 Broad Street, Milford, CT was present representing the applicant James Fracker, LLC indicating that this application has no filling, and modest grading in the upland area.

Mr. Bruce Bonbero, licensed engineer in the State of CT was present. Mr. Bonbero stated the alternate plan per Mr. Smith's recommendation before the Commission includes leader drains and roof leaders, the closest point of activity on lot #4 is 25' away from the wetlands. There is little activity on the other lots, which will be 75-80' away from the wetlands. An open space area will be granted (the majority of wetlands). Mr. Bonbero stated the stream is off this property, explaining why it is not shown on the plan. The house will be raised as well as the foundation, the grade will be 4-5' above the basement and the basement will be above the flood line. Mr. Lauria submitted photographs of lot #1 representing a wet depression in the front corner. Mr. Bonbero explained the front corner of lot #1 is off the property, the water ponds on the next property. The area in question could be identified, Mr. Lauria agreed the area should be identified. Lot #3's house is farther away so as not to have to remove the hill and would prefer to minimize the activity. Mr. Lauria pointed out there is much debris, such as tires and sheet metal on the property between lots #1 & 2. Mr. Bonbero indicated that if the applicant were permitted to build on the property the debris would be removed. Mr. Burtola requested a continuance on this application due to questions brought at this meeting pertaining to lot #5, and the need to identify Beaver Brook location on the map. There was no one present to speak for this application.

There was one person present to speak against this application.

Mr. Richard Fenus son of Mr. & Mrs. Fenus the original owners of this property. Mr. & Mrs. Fenus were to be noticed on any meeting of this property including the P&Z meeting and they have not been noticed. Mr. Fenus's mother was the sole owner of this property. On 7/02/03 she entered into a contract with Mr. Fracker. Mr. Fracker sued Mrs. Fenus for breach of contract. Mr. Fenus spoke against the 5 lots, as the original contract with his mother was to include 4 building lots not 5. Mr. Fracker is not complying with the decree from the Superior Court. This area is I acre zoned. Mr. Fenus stated he is not aware of any deed conveying this property to Mr. Fracker.

Mr. Burtola stated the decree of the CT Superior Court is dated 8/9/06

Upon motion made, (O'Neill) seconded (Lauria), and carried by a vote of 4 in favor (unanimous) it was voted to **CONTINUE Application #07-09** to the May 8, 2007 regular meeting.

Upon motion made, (Fox) seconded (O'Neill), and carried by a vote of 4 in favor (unanimous) it was voted to close the public hearing at 8:12 p.m.

OLD BUSINESS:

Application #07-05 R.D Scinto, Inc Install gas main in easement. 81 Spring Hill Road, (was tabled at last public hearing meeting, 3-6-07).

Mr. Bjorklund representing the applicant requested this application be tabled to the May 8, 2007 regular meeting.

By unanimous consent Application #07-05 was tabled to the May 8, 2007 regular meeting.

Approval of Minutes:

Upon motion made, (O'Neill) seconded (Lauria), and carried by a vote of 4 in favor (unanimous) it was voted to accept the March 6, 2007 meeting minutes and the March 20, 2007 Field Inspection minutes as submitted.

New Business:

Application #07-12 Arthur Capozzi Construct in-law apartment over Garage, 5059 Madison Avenue.

Mr. Art Capozzi of 5059 Madison Avenue was present. Mr. Capozzi indicated this application is to build an in-law apartment of the garage, sonitubes will be dug by hand. Mr. Capozzi submitted photographs for the record.

Upon motion made, (Fox) seconded (O'Neill), and carried by a vote of 4 in favor (unanimous) it was voted to **RECEIVE Application #07-12.**

Application # 07-13 Brian Parker Remove fourteen trees in a regulated area, 18 Old Village Lane.

Mr. Brian Parker of 18 Old Village Lane was present and indicated there are 14 trees, which border his property and wetlands. Mr. Parker is requesting permit to remove the trees. 8 trees are on his property, 6 are on Town property. The Town has marked the property line; the Town trees overhang his driveway citing that could be potentially dangerous if one were to fall on his car. Photographs were submitted for the record. Mr.

Smith indicated the Town would need to look at the trees and the trees could potentially be pruned back. The application could be made for Mr. Parker's trees. Mr. Girouard stated the Commission could act on Mr. Parker's trees, (numbers 1-8). Mr. Parker stated he is trying to proactive before any of the trees fall or damage his property.

Upon motion made, (O'Neill) seconded (Lauria), and carried by a vote of 4 in favor (unanimous) it was voted to RECEIVE Application #07-13.

Application #07-14 Robert Sojka, Jr. Remove debris from property, 36 Hidden Pond Lane.

Mr. Sojka stated he was seeking permit to remove approximately 40 dumpsters full of debris left behind by the previous owner, Mr. Fenus. This is the land behind Mr. Fracker's property, there are pre-existing pathways throughout the property. There are almost 14 acres in Trumbull and 2 acres in Shelton, his immediate plan is to subdivide in Shelton and the Booth Hill area and will wait on the rest of the property for awhile.

Upon motion made, (O'Neill) seconded (Girouard), and carried by a vote of 4 in favor (unanimous) it was voted to RECEIVE Application #07-14.

Application #03-26 Amendment Town of Trumbull/Dmitri Paris

Amend existing Application 03-26 to add three additional baseball backstops & to allow multi-use athletic fields, Parcel 259 Island Brook Park.

Mr. Ferrigno, Chairman of the Parks Commission and Mr. Paris Director of Parks was present. Mr. Ferrigno stated the amendment is to change the configuration, previously there was one large Babe Ruth field, softball has expanded greatly in Town. The square footage will remain the same as the previous plan, the fencing will be rearranged to accommodate the number of children playing. The Parks Commission has taken over the maintenance contract of the field from the BoE. Mr. Paris described in detail how the multi-purpose field is planned, there will also be soccer on the field now, they will not all play simultaneously, it will be scheduled at different times, all can be accommodated. Mr. Smith stated the field is moving further from the watercourse than the previously approved application.

Upon motion made, (Fox) seconded (O'Neill), and carried by a vote of 4 in favor (unanimous) it was voted to RECEIVE Application #03-26.

Application #07-15 St. John's Woods, LLC 19 lot subdivision consisting of 18 new homes, 100 St. John's Drive.

Attorney Frederick Ersham representing the applicant was present. Mr. Keith Puda of Rotondo Engineering was present.

Mr. Ersham stated this is proposed as a 1 acre residential subdivision, this will have less impact upon the wetlands than the prior application and there will be less filling. There is a letter to request a reduction and/or waiver to the application fee on record. The letter includes a typo, clarifying that there are 18 homes plus the existing church.

Mr. Puda stated the total property is 32 acres, 9.2 acres of wetland are included, and the soil report is included in the application. The proposed application is for 18 residential 1-acre lots and the church's existing driveway will remain. Of 13.3 acres there will be 6 acres disturbed and 130-sq. ft of wetland disturbance. The houses are not currently staked out but would be if there were to be a field inspection, (including the closest point of the

roadways and the corner of the houses). There will be no clubhouse; this proposal is completely residential.

Upon motion made, (O'Neill) seconded (Fox), and carried by a vote of 4 in favor (unanimous) it was voted to **RECEIVE** Application #07-15.

Ms. Fox reported that the Regency Meadows have two large boulders, which are creating a damn, the boulders need to be removed to allow the water to flow, as it should. The State is working on Tashua Road and there are no hay bails being utilized

Work Session:

Application #07-12 Arthur Capozzi Construct in-law apartment over Garage, 5059 Madison Avenue.

Upon motion made, (O'Neill) seconded (Fox), and carried by a vote of 4 in favor (unanimous) it was voted to **APPROVE** Application #07-12 as submitted.

Application # 07-13 Brian Parker Remove fourteen trees in a regulated area, 18 Old Village Lane.

FIELD INSPECTION

Application #07-14 Robert Sojka, Jr. Remove debris from property, 36 Hidden Pond Lane.

Upon motion made, (O'Neill) seconded (Fox), and carried by a vote of 4 in favor (unanimous) it was voted to **APPROVE** Application #07-14 as submitted.

Application #03-26 Amendment Town of Trumbull/Dmitri Paris
Amend existing Application 03-26 to add three additional baseball backstops & to allow multi-use athletic fields, Parcel 259 Island Brook Park.

Upon motion made, (Fox) seconded (O'Neill), and carried by a vote of 4 in favor (unanimous) it was voted to **APPROVE** Application #03-26 amended as submitted.

Application #07-15 St. John's Woods, LLC 19 lot subdivision consisting of 18 new homes, 100 St. John's Drive.

FIELD INSPECTION

FIELD INSPECTION DATE:

The field inspection date is scheduled for Tuesday, March 20, 2007 to leave the Town Hall at 3:05 p.m. for the following applications:

Application #07-13

Application #07-15

Adjournment:

Upon motion made, (O'Neill) seconded (Fox), and carried by a vote of 4 in favor (unanimous) it was voted to adjourn at 9:13 p.m.

Respectfully submitted,

Margaret D. Mastroni

Clerk